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10 AC SQUARE, INC., AFSHIN GHANEH,
11 ANDREW BAHMANYAR

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 DANIEL KEATING-TRAYNOR on
16 behalf of himself and all others similarly
17 situated,

18 Plaintiff,

19 v.

20 AC SQUARE; COMCAST INC.; AFSHIN
21 GHANEH; ANDREW BAHMANYAR;
22 and DOES 1 THROUGH 60, inclusive,

23 Defendant.

Case No. CV-08-2907-MHP

**[PROPOSED] ORDER GRANTING
DEFENDANT AC SQUARE, INC.'S
MOTION TO DISMISS**

Date: August 25, 2008

Time: 2:00 p.m.

Dept: Courtroom 15

Judge: Honorable Marilyn H. Patel

24 Defendant AC Square, Inc.'s Motion to Dismiss Plaintiff's first and second causes of action
25 from Plaintiff's Complaint, action number CV-08-2907-MHP came on regularly for hearing before
26 this Court on August 25, 2008. Ronald A. Peters, Esq. appeared as attorney for defendant, AC
27 Square, Inc. Daniel Berko appeared as attorney for plaintiff, Daniel Keating-Traynor. After
28 considering the moving papers, the papers submitted in opposition to the motion, the papers
submitted in reply to the opposition, arguments of counsel and all other matters presented to the
Court, IT IS HEREBY ORDERED THAT, the motion is GRANTED. Plaintiff's first cause of
action for "Violation of the Fair Labor Standard Act" is dismissed as it fails to state facts sufficient
to constitute a cause of action against AC Square, Inc.; Plaintiff's second cause of action for
"Conspiracy to Violate the Fair Labor Standard Act" is dismissed as it fails to state facts sufficient to

1 against defendant AC Square, Inc.

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3 Dated: _____

4 Honorable Marilyn H. Patel

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[Proposed] Order Granting Motion to Dismiss
Case No. CV-08-2907-MHP